IN RE: PETITION FOR ZONING VARIANCE * W/S Falls Road, 145' NW c/l Lake Avenue (6083 Falls Road) 9th Election District 4th Councilmanic District Provident Nat'l Bank (Wawa Food)

PETITIONER

ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 89-90A

BEFORE THE

***** FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 232.1, 303.2 to allow a front yard setback of 10 feet in lieu of 32 feet; Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibits 4, and 12.

The Petitioner was represented by C. Michael Magruder, Esquire. Mr. David A. Dawson, Mr. William P. Monk, Ms. S. Buscher and Ms. Rose Andrews appeared and testified on behalf of the Petitioner. Dr. Edward Davens, Louise M. Schulz, Ms. Sarah F.W. Lord and Mr. and Mrs. Roy C. Parsons appeared and testified as Protestants. The Friends of the Robert E. Lee Memorial Park issued a letter in opposition dated September 20, 1988 and the Pleasant View Civic Association issued a letter in opposition on September 22, 1988.

The facts and evidence tend to indicate that the subject property is zoned B.L.-C.N.S. The property is currently improved with a Wawa Food Store containing approximately 2,162 sq. ft., as shown on the Petitioner's Exhibit 4. The lot is approximately .485 acres of ground and is serviced by public water and sewerage. The proposed addition

is to be placed on the western side of the building, which technically is the front side of the building. The front entrance of the store faces the parking lot instead of Falls Road and, therefore, the street side has no doors or windows. The proposed addition is to expand the available facilities and operation of the current Wawa Food Store. This will allow this operation to be more competitive with similar convenience operations in the area.

The Petitioners' witnesses testified extensively as to the need to expand this store's operation. They say expansion is needed to provide the services normally associated with a Wawa store. The expansion will also provide additional cold storage area and space for the rearrangement of the interior retail space.

The expansion can only take place if the requested variances are granted. The parking lot is improperly designed, at present, and the new layout will allow for better use of the parking spaces. The addition to the building cannot, according to the Petitioner, take place anywhere else on the subject site. The Petitioner claims that they will be forced to relocate if they cannot expand this site. They also claim they will provide additional landscaping as required by the Office of Current Planning. They claim the area along Falls Road directly in front of the subject site will be posted for "No Parking" to stop the truck parking.

The Protestants testified that they are in opposition to the entire commercial operation at this site. They believe the current Wawa operation is a nuisance to the neighborhood. That Wawa is one of the largest reasons for trash and disturbance problems in the neighborhood. They find the building and its facilities very

unattractive and the type of truck traffic that patronizes the facility very unacceptable. The Protestants are also concerned about the possible changes in the area caused by the light rail proposal. They say they believe no commercial building should be allowed to be constructed as close to the right-of-way as is requested by this proposed variance. They object strenuously co the design and aesthetic look of the proposed store. They would like to have the entire project screened to be more conducive with the natural environment in the Robert E. Lee Memorial Park and to protect the residential area.

The Protestants provided extensive testimony concerning the traffic problems created at the intersection of Falls Road and Lake Avenue by the continuing use of the street right-of-way for parking by patrons to the Wawa Food Store. There was testimony concerning the inability of residents to exit or enter Lake Avenue because of large dump trucks parked along Falls Road and in front of the entrance to Lake Avenue. The Protestants also believe the subject site is one of the uses responsible for the current congestion on Falls Road.

I understand the Protestants do not like the Wawa Food Store or the heavy traffic congestion, they believe, it causes. They do not believe this is a good location for a convenience store. The Protestants really want the store closed and a different use made of the land. I do not have the power to rezone this land; nor, would I agree to force the closing of this convenience store. The Baltimore County Council places the zoning on the land and establishes the uses in each zone. I will not substitute my opinion for that of the Council in the zoning process.

The issue here is whether the variances requested are proper in light of the established case law. The role of the Zoning Commissioner in this case is to determine if the variance should be granted. The convenience store has a legal right to exist in the B.L. zone. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 298 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations

for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

The requested use on the subject site is consistent with the B.C.Z.R. and has proven to be a use that can operate on the subject site successfully. There are certain concerns raised by the Protestants which can properly be addressed by restrictive conditions as set forth later in this opinion. These will control the negative consequences upon the community to the degree permitted by Maryland

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County this 36 day of October, 1988, that a zoning variance from Section 232.1, 303.2 to allow a front yard setback of 10 feet in lieu of 32 feet; Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required '0 feet, as more particularly described on Petitioner's Exhibits 4 and 12 be and the same is hereby GRANTED, subject to the following restric-

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.

> 3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

4. The Petitioner shall provide additional landscaping along the Falls Road side of the lot and along the property line adjoining the Robert E. Lee Memorial Park. This additional landscaping shall be developed on a landscape plan approved by Baltimore County Landscape Planner, Office of Current Planning and submitted to the Zoning Commissioner for final approval on or before January 15, 1989.

5. The Petitioner shall develop a building exterior plan which shall incorporate the stone construction and aesthetic desires of the Protestants. The Petitioner shall submit said plan to the Zoning Commissioner for approval on or before January 15, 1989.

6. The Petitioner shall provide the dedication to the State of Maryland for road construction as shown on Petitioner's Exhibit 7.

7. The Petitioner shall show the location of the dumpster on the site plans. The dumpster must be

BALTIMORE COUNTY

cc: Peoples Counsel

Mr. David A. Dawson, 4117 Joppa Road, Baltimore, Md. 21236 Ms. S. Buscher, 405 Pembrooke Blvd. Baltimore, Md. 21224 Ms. Rose Andrews, 9 Riverside Drive, Baltimore, Md. 21221 Dr. Edward Davens, 6141 Barroll Road, Baltimore, Md. 21209 Mrs. Louise M. Schulz, 7820 Ballston Road, Towson, Md. 21204 Ms. Sarah F.W. Lord, 6219 Falls Road, Baltimore, Md. 21209 Mr. and Mrs. Roy C. Parsons, 1212 Lake Falls Road, Baltimore, Md. 21210

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines



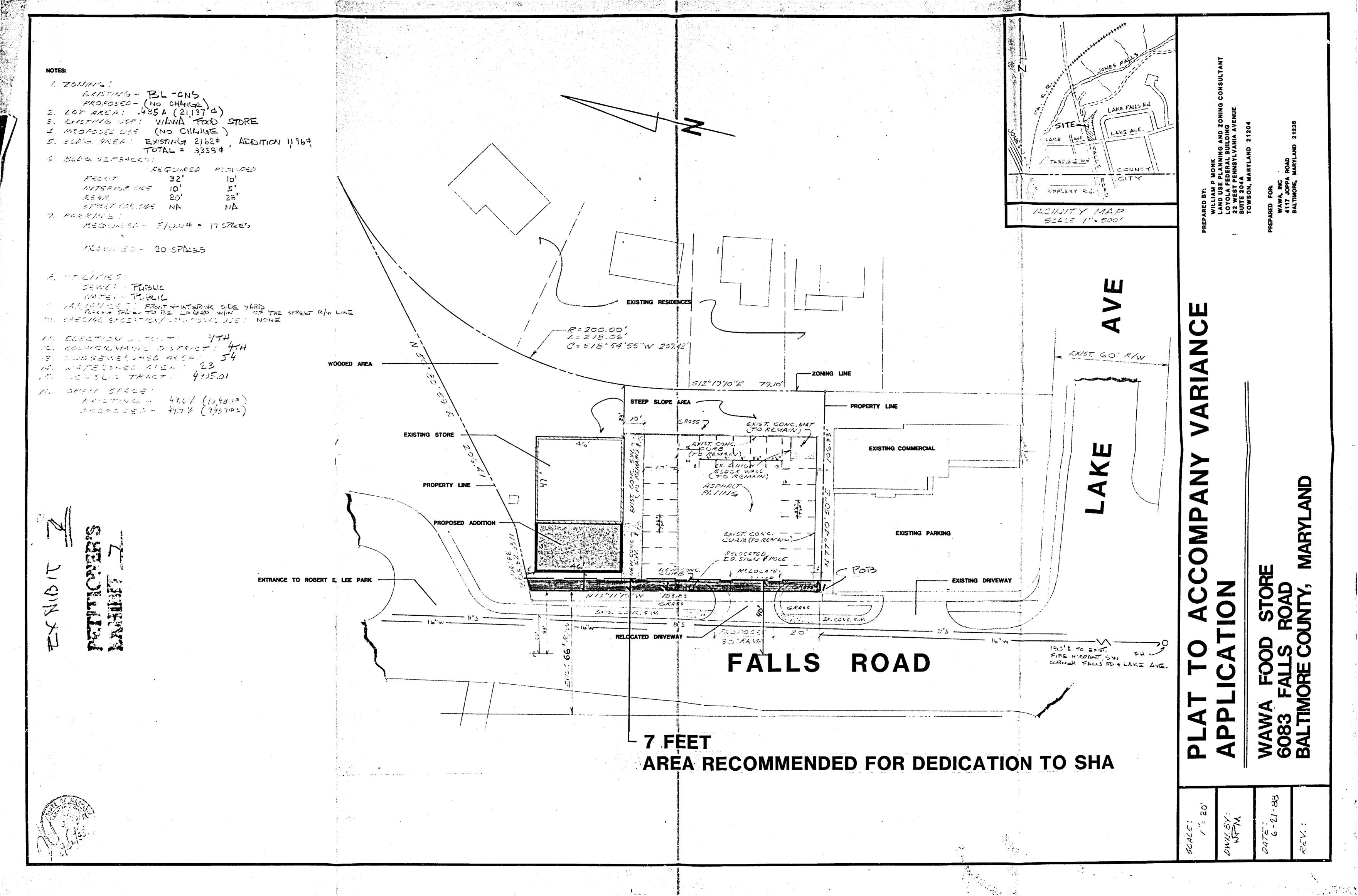
C. Michael Magruder, Esquire William P. Monk, Esquire Suite 204A Loyola Federal Building 22 W. Pennsylvania Avenue Towson, Maryland 21204

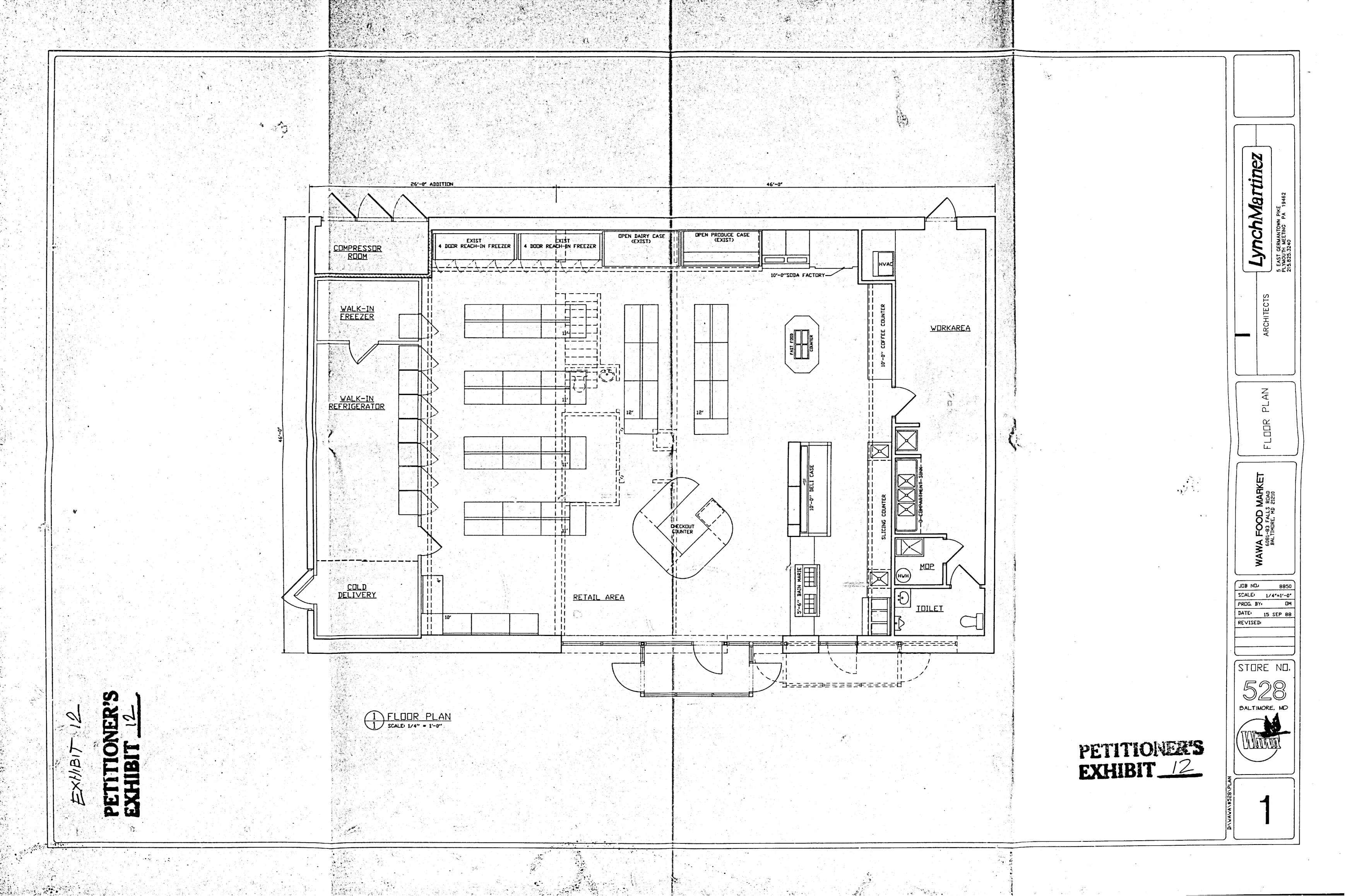
RE: Petition for Zoning Variance Case No. 89-90A Provident National Bank (Wawa Food Store)

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, pleae feel free to contact our Appeals Clerk at 494-3391.

Mr. David A. Dawson, 4117 Joppa Road, Baltimore, Md. 21236 Ms. S. Buscher, 405 Pembrooke Blvd. Baltimore, Md. 21224 Ms. Rose Andrews, 9 Riverside Drive, Baltimore, Md. 21221 Dr. Edward Davens, 6141 Barroll Road, Baltimore, Md. 21209 Mrs. Louise M. Schulz, 7820 Ballston Road, Towson, Md. 21204 Ms. Sarah F.W. Lord, 6219 Falls Road, Baltimore, Md. 21209 Mr. and Mrs. Roy C. Parsons, 1212 Lake Falls Road, Baltimore, Md.





PETITION FOR ZONING VERIANCE OF TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.1. 303.2 (and Zoning Policy Manual Section S-2 (B) 2) to allow a front yard setback of 10 feet in lieu of 32 feet, Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The proposed addition to the building necessitates the variances (both front and side) which will grant relief without substantial injury to 30 public health, safety and general welfare due to the fact that the sites abuts parkland and no commercial buildings or dwellings are in those of the proximity to the site. The landscape area variance in the site. proximity to the site. The landscape area variance is the min mum 1-19 relief needed to provide for a prudent, safe parking layout. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Provident National Bank, c/o Providen (Type or Print Name) (Type of Frint Name) Capital Management Francis J. Furey (Type or Print Name) IVB Building, Suite 1412, Loyola Federal Building Address 22 W. Pennsylvania Avenue Towson, Maryland 21204 William P. Monk
Name Loyola Federal Building
Suite 204 A 22 M. Pennsylvania Avenue of ______, 19_____, that the subject matter of this petition be advertised, as required to the Zining Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the MOH. /TOUS /WED. - NEXT TWO MONTES Over) DATE 6-30-88

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

NOTICE OF HEARING

Petitica for Zoning Variance CASE NUMBER: 89-90-A WS Falls Road, 145' N c/l Lake Avenue (6083 Falls Road) 9th Election District - 4th Councilmanic Petitioner(s): Provident National Bank (Wawa Food)

street property line in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Francis J. Furey William P. Mork

ZONING DESCRIPTION BEGINNING on the west side of Falls Road, 66 feet wide, at a distance 145.00 feet north of the center line of Lake Avenue and running on the west side of Falls Road the following courses and distances: North 13 degrees 11 minutes 10 seconds west 153.83 feet; North 65 degrees 23 minutes 50 seconds east 33.90 feet;
North 50 degrees 80 minutes 59 seconds east 206.47 feet; 4. R= 200.00 feet, L= 218.06 feet CHD.= south 18 degrees 54 minutes 55 seconds west 207.42 feet; South 12 degrees 19 minutes 10 seconds east 79.10 feet; North 77 degrees 40 minutes 50 seconds east 106.33 feet to the place of beginning. containing 21.137 square feet in the 9th Election District. Property known as 6083 Falls Road CERTIFICATE OF PUBLICATION

weeks, the first publication appearing on May 24. 19 88

CERTIFICATE OF PUBLICATION MOTICE OF HEARING The Zening Commissioner of Bultimore County, by authority of the Zoning Act and Regulations of Bultimore County will hold a public hearing on the properly identified hursin in Room 106 of the County Office Building, located at 111 W. Chesspeake Avenus in Towson, Maryland as foliom: THIS IS TO CERTIFY, that the annexed advertisement was DWG: weeks, the first publication appearing on Aug. 25. 19 5 Petition for Zoning Variance Case number: 89-80-A 335 WS Falls Road 145 N 435 of Lake Avenue
(6063 Falls Road)
9th Election District
4th Councilmanic
Petitioner(a):
Provident National Bank
(Wassa Food)
Hearing Date: Thursday,
Sept. 22, 1968 5. Zete_Onlow Variance to allow a front yard setback of 10 feet in lieu of 32 feet; to allow a side yard or 5 feet in lieu of 10 feet; and to allow parking spaces 5 feet from the street properly line in lieu of the required 10 feet. In the event that this Potition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-restorer will, however, ortograms any request for greating of the in-summe dismit germin count, this period for gape becare whiteen. Such request fruit be in galling and request fruit be in galling and received in this office by the SALES & LEGAL NOTICES date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

8/289 Aug. 25.

494-3353 J. Robert Haines
Zoning Commissioner Mr. William P. Monk Loyola Federal Building, Suite 204-A 22 W. Pennsylvania Avenue Towson, Maryland 21204 Petition for Zoning Variance CASE NUMBER: 89-90-A WS Falls Road, 145' N c/1 Lake Avenue (6083 Falls Road) 9th Election District - 4th Councilmanic Petitioner(s): Provident National Bank (Wawa Food) HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m. Please be advised that 20.05 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-01-615-00 vland and bring ice, County Office minutes before B 023 *** 120 CS: 8 = 29 C = Zoning Commissioner of Baltimore County

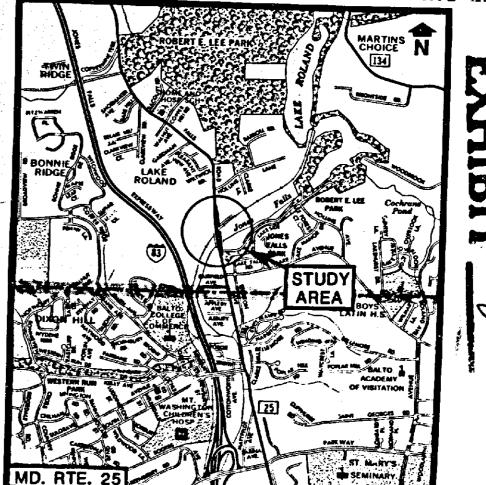
Baltimore County

Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

COMBINED LOCATION/DESIGN PUBLIC HEARING MD. RTE. 25 (FALLS ROAD) BRIDGE REPLACEMENT

FROM SOUTH OF LAKE AVENUE TO HOLLINS LANE



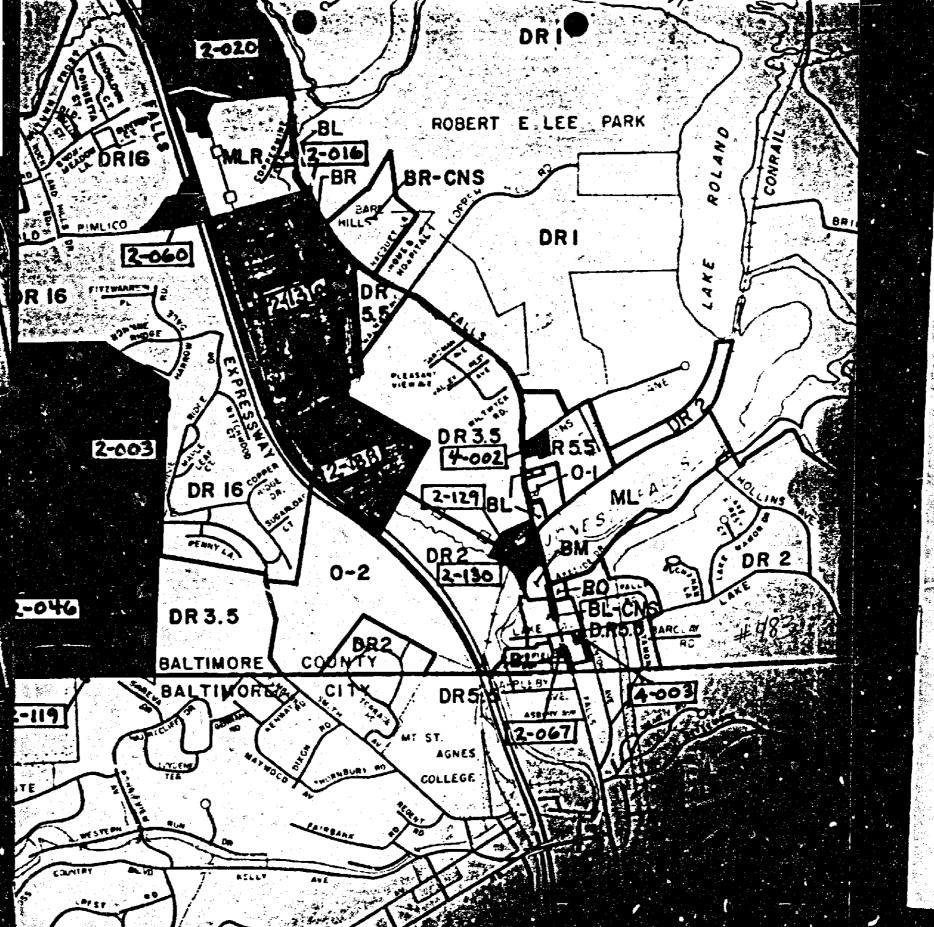
JUNE 17,1986

HEARING SITE SUMMIT PARK ELEMENTARY SCHOOL 6920 DIANA ROAD

BALTIMORE, MARYLAND STATE PROJECT NO. E 803-101-471

P.D.M.S. REF. NO. 033257

7:30 PM



Petition for Zoning Variance
Case number: 89-90-A
WS Faite Road 145 N
of Lake Avenue
(6083 Faite Road)
9th Election Detrict
-4th Counciments
-Petitioner(s):
Provider! National Bank
(Wasse Food)
Hearing Deser: Thursday
Sept-92, 1988

Variance to allow a front yard solback of 10 feet in fee of 32 feet; to allow a side yard of 5 feet in fieu of 10 feet; and its allow parking apaces 5 feet from the savest property line in fieu of the frequired 10 feet.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

FEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m.

period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

September 2, 1986

PETITIONER'S

Mr. James K. Gatley, Chief Bureau of Bridge Design

Louis H. Ege, Jr.

Deputy Director

Project Development Division

EXHIBIT

9.

SUBJECT: Contract No. B 803-101-471 Maryland Route 25 Bridge #3029 over the Jones Falls and Conrail

PDMS No. 033257

Mr. Kassoff has selected Alternate 4 for the above referenced project. The attached report, public hearing brochure and design approval references summarize the Project Planning study, including pertinent engineering features. The information should be used to develop the Design Resume.

The project was classified as a Categorical Exclusion by the Federal Highway Administration on September 25, 1985. Location Approval was received on August

In addition, we are transmitting a Design Approval Memorandum for your use in obtaining Design Approval. Please complete by September 22, 1986.

LHE:CDS:tlh Attachments

cc: Mr. Neil J. Pedersen Mr. Wayne R. Clingan Mr. Edward M. Loskot

Mr. Frank DeSantis

My telephone number is 659-1177 My teleptione number is 333-1277

Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE September 15, 1988

RF: Item No. 483 - Case No. 89-90-A

Petitioner: Provident National Bank

COUNTY OFFICE BLDG. 112 W. Chr. epeaks Ave. Towson, Haryland 21204

Department of Traffic Engineering State Roads Commission

Realth Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Petition for Zoning Variance

C. Michael Magruder, Esquire

22 West Pennsylvania Avenue

Towson, Maryland 21204

Dear Mr. Magruder:

Loyola Building

Suite 204A

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

c/o Provident Capital Management

cc: William P. Monk Loyola Federal Building Suite 204A 22 West Pennsylvania Avenue Towson, Maryland 21204

Apender Thru 1987 SP. SP. 1988 Fisca Budget Year 1989 Toron 1990 529 529 515 323 570 98

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff Administrator

July 18, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County WaWa Food Zoning Meeting of 7-12-88 W/S Falls Road Maryland Route 25 145' North of Lake Ave. (Item #483)

Dear Mr. Haines: After reviewing the submittal of WaWa Food, we offer the

A future 80' right of way (40' half section) on Falls Road must be shown on this plan and no permanent structures may be placed within these limits.

It is requested this revision be made prior to a hearing date being set. If you have any questions, please call Larry Brocato of this

Very truly yours,

Creston J. Mills, Jr., Chief Bureau of Engineering Access Permits

cc: Mr. W. Monk

Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Provident National Bank Attorney C. Michael Magrudes Petitioner's

Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PRESECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Zoning Item # 483, Zoning Advisory Committee Meeting of July 12, 1988

Property Owner: Walla Food - Provident National Bank

Location: W/5 Falls Rd. District 9

COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other

equipment or process which exhausts into the atmosphere. A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool,

bathbouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

() Soil percolation tests, have been ____, must be ____, conducted.
() The results are valid until
() Soil _ percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test) shall be valid until
) is not acceptable and must be retested. This must be accomplished prior to conveyance

of property and approval of Building Permit Applications.) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

July 15, 1988

Paul H. Reincke Chief J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Item No.: 483



Re: Property Owner: WaWa Food - Provident National Bank

Location: W/S Falls Road, 145' N. of c/1 of Lake Avenue 6083 Falls Road

Zoning Agenda: Meeting of 7/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at ____

EXCEFDS the maximum allowed by the Fire Department.

) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($^{\rm X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

August 3, 1988



Dear Mr. Haines:

Mr. J. Robert Haines

County Office Building

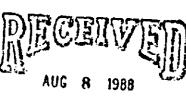
Towson, Maryland 21204

Zoning Commisioner

The Bureau of Traffic Engineering has no comments for items number 449, 472, 473, 477, 478, 479, 481, 483, 484, 485 and 486.

Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/lab



ZONING OFFICE

Pleasant View Civic Assocition

Mrs. William L. Brown, Vice-President . 6209 Pleasant View Avenue Baltimore, Muryland 21209

September 22, 1988

To the Zoning Commissioner of Baltimore County:

The Pleasant View Civic Association is opposed to to the granting of a variance to WAWA, in the 6000 block of Palls hoad, to expand its facility. Our eastern boundary is the 6200 block of Falls hoad. Pleasant View in cooperation with Euxton-Eiderwood, Lake holand, Bare Hills, and the Friends of the Robert E. Lee associations has been working hard to maintain the residential character of Falls hoad. Last year, we successfully protested a variance for the building of a Lay Care Center in our area. Any variance will be a step toward commercializing our community.

However, if the WAWA company is granted its request, we will expect the company to fulfill the five stipulations which WAWA has indicated to Louise Schulz of R.R.-L.R.A. its agreement with the neighborhood. We will hold the county accountable for a close inspecion of the guaranteed "improvements". We thank you for your cooperation.

Valerie Mr. Brown

PETITIONER(S) EXHIBIT (/3

FRIENDS OF THE ROBERT E. LEE MEMORIAL PARK 912 Rolandvue Road, Baltimore, Maryland 21204

20 September 1988

Mr. J. Robert Haines Zoning Commissioner, Baltimore County 111 W. Chesapeake Avenue Room 109 Towson, Maryland 21204

Re: Variance #89-90-A Hearing date: Thursday, September 22 10 A.M.

Dear Mr. Haines:

The Friends of the Robert E. Lee Memorial Park is a non-profit community organization of approximately 350 families. Its goal is to work closely with the city in maintaining the park's six hundred acres.

As co-chairmen, we would like to register our opposition to Variance #89-90-A for the following reasons:

- The county code of required setbacks has been designed to satisfy responsible planning. We do not see sufficient cause to set aside an established and respected code.
- 2. The park entrance abuts the lot in question and the projected addition will be visually offensive.
- Expansion of any commercial usage in this area has the potential directly or indirectly to increase traffic. The intersection of Lake Avenue and Falls Road is one of the most hazardous in the county. In addition, any increase in traffic increases the hazard to park visitors entering and leaving on Lakeside Drive.

We appreciate the meeting which Wawa officials held with community representatives on September 15th. They expressed a sincere interest in addressing the issues of concern. We hope that in the future, we will be able to work with them to resolve these issues. In the meantime, our with our goals. Preserving the unique character of Falls Road is of great importance to the park and its surrounding community.

Mr. J. Robert Haines Zoning Commissioner, Baltimore County 20 September-1988 Page two

Thank you very much for your attention to this issue.

Sincerely,

forise H. Hildreth Mrs. Arthur M. Hildreth Land A Lawie

Mrs. James Lawrence III

89-90-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting September 2, 1988. District 9 this. Posted for: Navional Mational Bank (Wawa Food)

Petitioner: Arevidente Mational Bank (Wawa Food)

Location of property: ÉS Falla Road, 145 'M c/L Lake Arenue

(4083 Falla Road)

Location of Signe East side of Falla Road in front of subject. Date of return: September 9, 1988.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Date August 31, 1988

Pat Keller, Deputy Director
FROM Office of Planning and Zoning WAWA Store - Falls Road

SUBJECT Zoning Petition No. 89-90-A

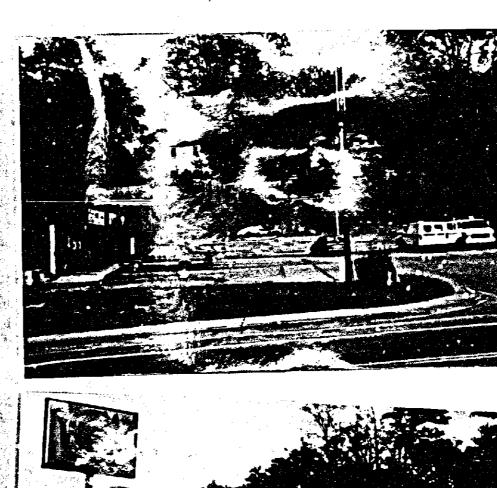
The applicant is requesting variances to allow for the expansion (55% increase) of an existing convenience store. Based upon the site plan submitted, staff provides the following information:

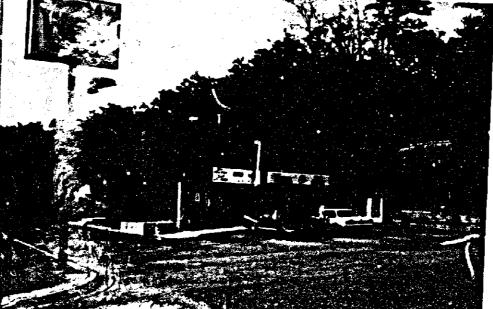
- The parking lot layout is inefficiently designed. The northwest corner of the site shows an 18 foot by 18 foot paved area that should be impervious and landscaped. The removal of one parking space along the eastern side of the tract would allow for the provision of the 12 foot buffer area along the southern portion of the tract.
- Landscaping around the entire site should be significantly upgraded and
- The location and provision of trash removal via the use of dumpsters is not shown on the site plan. Any dumpsters should be easily accessible and well screened.
- The surrounding community has expressed concern regarding patrons parking on Falls Road while patronizing the site. The applicant is providing 20 spaces versus 17 spaces required. If the parking area is reduced by one space, the applicant will be providing two additional spaces. The placement of no parking street signage may alleviate the parking problem on Falls Road.

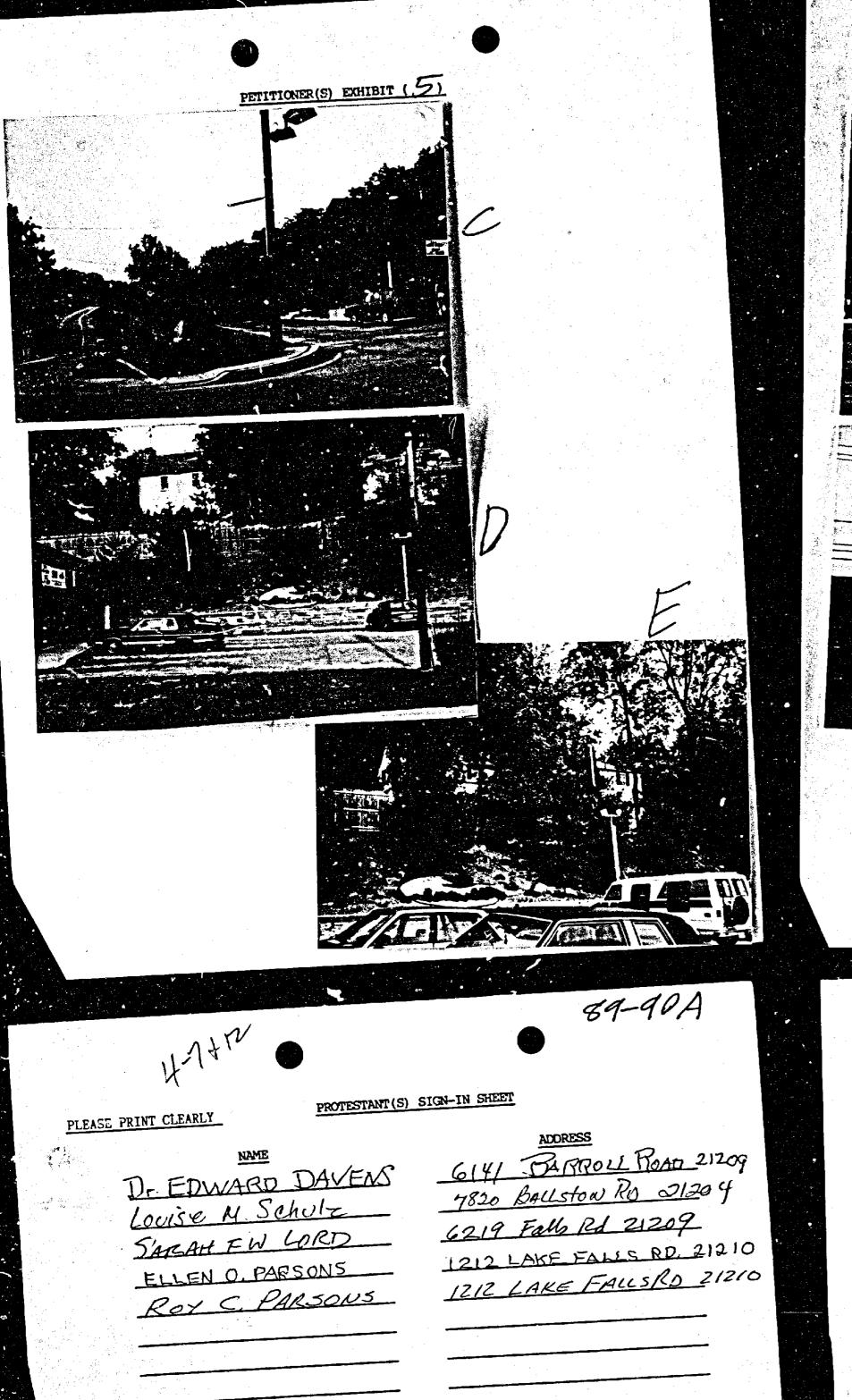
If the applicant revises the site plan and addresses the concerns stated, staff is in support of the requested variances.

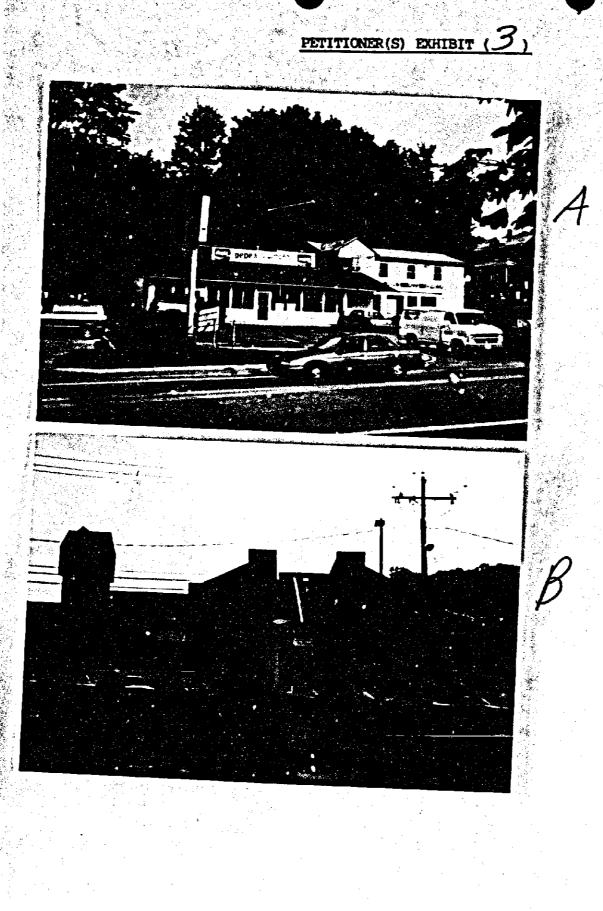
CC: Mr. William P. Monk 9-8-88/1

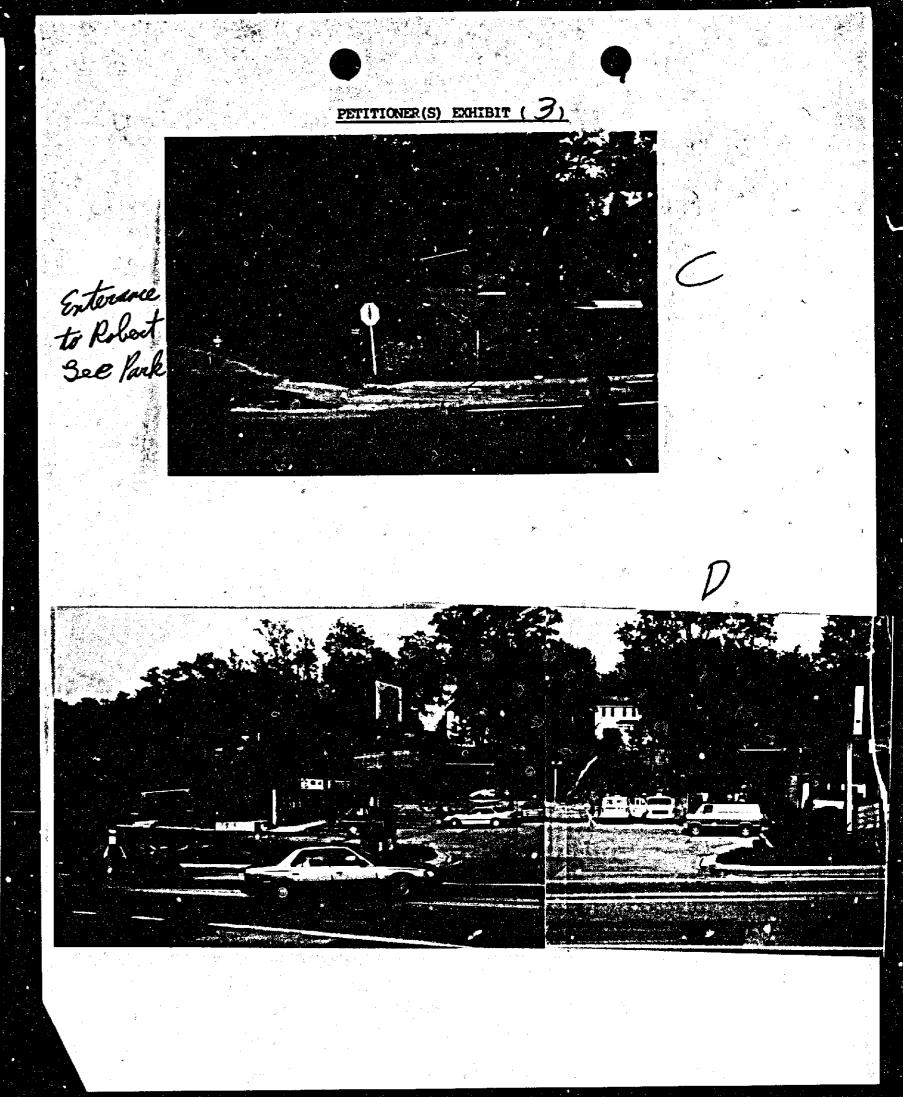
PETITIONER(S) EXHIBIT (5)











PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

DAVID A. DAUS. MANAJA...

WILLLIAM P. HONE

C. MICHPEL NACRUDER

S. BUSCHER

HOW J. MALLUM

PETITIONER(S) SIGN-IN SHEET

ADDRESS

22 W PA-AVE TOLOSON PT) 21204

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405 Permbroake Blud 21224

9 RIUGUSIDE DP. BALT. 21221



